

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
J & J SPORTS PRODUCTIONS, INC.

Plaintiff,

-against-

FIORDALIZA ALVAREZ, et al.

Defendants.  
-----X

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2-21-08**

07 Civ. 8852 (RPP) (HBP)

SCHEDULING  
ORDER

PITMAN, United States Magistrate Judge:

This matter having been referred to me to conduct an inquest and to report and recommend concerning plaintiff's damages, it is hereby ORDERED that:

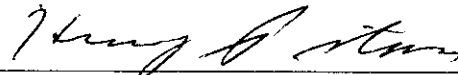
1. Plaintiff shall submit proposed findings of fact and conclusions of law concerning damages no later than April 21, 2008. All factual assertions made by plaintiff are to be supported by either affidavit or other material of evidentiary weight.

2. Defendants shall submit their response to Plaintiff's submission, if any, no later than May 21, 2008. IF DEFENDANTS (1) FAILS TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAILS TO CONTACT MY CHAMBERS BY MAY 21, 2008 AND REQUEST AN IN-COURT HEARING, IT IS MY INTENTION TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF

PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-  
COURT HEARING. See Transatlantic Marine Claims Agency,  
Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir.  
1997); Fustok v. ContiCommodity Services Inc., 873 F.2d  
38, 40 (2d Cir. 1989) ("[I]t [is] not necessary for the  
District Court to hold a hearing, as long as it ensured  
that there was a basis for the damages specified in a  
default judgment.")

Dated: New York, New York  
February 21, 2008

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

Copies Mailed To:

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